

**HCBS Technical Assistance Guide:
ODDS Employment and Day Services in Provider Settings**

This guide addresses:

- **HCBS Transformation Plans for Sheltered Workshop Settings; and**
- **HCBS Plans of Improvement for Employment and Day Services in Provider Settings**

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I. **Instructions for Developing an HCBS Transformation Plan (For Sheltered Workshop Settings)**

Who must complete an HCBS Transformation Plan?

- Sheltered workshop settings are not HCBS. Providers with sheltered workshop settings are responsible for developing an HCBS Transformation Plan that outlines measurable steps to become compliant by September 2018. Sheltered workshop settings were identified in 2015 and providers with sheltered workshop settings were notified regarding the requirement for an HCBS Transformation Plan in January 2016.

What must be included in an HCBS Transformation Plan?

- The enclosed “elements” document outlines information you **must** address in your plan; as well as the information you may want **to consider** addressing in your plan. This is not intended to be a proscriptive or exhaustive list of elements to consider.

A full transformation to job coaching, job development, and discovery in general workforce settings, and away from any provider site, is the best way to guarantee full compliance now and in the future.

Do I need to submit an HCBS Transformation Plan if we have participated in or plan to participate in the Employment First Transformation?

- A plan submitted as part of the Employment First Transformation Project may satisfy the requirement for an HCBS Transformation Plan so long as all requirements for an HCBS Transformation Plan are met.
- ODDS may request an HCBS Transformation Plan, or supplemental information, if at any time it appears that the Employment First Transformation Plan will not meet the requirements of an HCBS Transformation Plan.

- For providers who participated in the first round of the Employment First Transformation project, additional information may be required if the original outcome was not full transformation of facility based employment services.

What is the timeframe or deadline for submitting an HCBS Transformation Plan?

- Draft HCBS Transformation Plans pertaining to the sheltered workshop portion of a site are due by September 30, 2016. ****Note new date. Previously August 31, 2016.***
- Any HCBS Plans for Improvement, pertaining to a provider's ***non***-sheltered settings in substantial compliance, are due under the timelines outlined below.

Where to submit:

- Plans can be submitted to your regional employment specialist.

What will occur once I submit?

- ODDS will review and approve the HCBS Transformation Plan or HCBS Plan of Improvement.
- ODDS anticipates it may have some follow up questions that will need to be addressed before a Transformation Plan is finalized.

II. Instructions for Developing an HCBS Plan of Improvement (For Employment and Day Service Settings in Substantial Compliance)

Who must complete an HCBS Plan of Improvement?

- In general, an HCBS Plan of Improvement must be completed for settings identified in the HCBS Status Report as in “substantial compliance.” This generally includes Day Service settings occurring at a provider site, Employment Path Community settings at a provider site, and Employment Path facility at a provider site that is **not** sheltered work (as outlined above sheltered work settings are not in compliance and will need to fully transform).

How will I know if I need to complete an HCBS Plan of Improvement?

- An HCBS Status Report will be emailed to the provider indicating areas of substantial compliance. An HCBS Plan of improvement will need to be developed for each provider setting in substantial compliance.
- This determination is based on information from provider self-assessments, individual experience surveys, onsite reviews, and any other information available regarding whether a setting meets the HCBS requirements.

What must be included in an HCBS Plan of Improvement?

- The Plan of Improvement must address anything identified in the Provider Status Report as being in substantial compliance or noncompliant.
- In some instances, a provider may be correct to believe a setting is fully compliant. In this instance, the HCBS Plan of Improvement must address how the Provider intends to assure ongoing HCBS compliance.
- **Note, a provider may use an HCBS Plans of Improvement or HCBS Transformation Plans to ensure full compliance, and also to further a Provider’s HCBS goals.** The enclosed “elements” document outlines information you **must** address in an HCBS Plan of Improvement; as well as the information you may want **to consider** addressing in your plan. This is not intended to be a proscriptive or exhaustive list of elements to consider.

When must a Preliminary HCBS Plan of Improvement be submitted to ODDS (for non-sheltered workshop settings)?

If a Provider's last onsite for non-sheltered work settings occurred before June 15, 2016:

- Provider will be notified by July 1, 2016, regarding any areas of noncompliance with HCBS (for non-sheltered workshop settings). This notification will be through the "Provider HCBS Status Report."
- Provider settings that are in substantial compliance, but that either require changes to come into full compliance, or that need to document procedures for assuring full compliance, have until September 30, 2016, to submit a preliminary Provider HCBS Plan of Improvement for ODDS review and approval.

Last onsite for non-sheltered work settings occurred on or after June 15, 2016:

- Providers will be notified within 30 days of the provider's last onsite review.
- These providers will have 90 days from notification to develop and submit to ODDS an HCBS Plan of Improvement.

Where to submit:

- The applicable ODDS Employment Regional Specialist.

What will occur once I submit?

- ODDS will review and approve the HCBS Transformation Plan or HCBS Plan of Improvement.
- ODDS anticipates it may have some follow up questions that will need to be addressed before a Transformation Plan is finalized.

III. Training and Technical Assistance

- a. Community Forums
 - i. Eight HCBS Community forums around the State during Summer of 2015
 - ii. Employment First Forums around the State during Summer of 2015 (Employment First leadership)
- b. Employment First Transformation Grants and Technical Assistance (A request for applications request will be announced in July 2016).
- c. Online ODDS training posted to provider & partner resources website:
 - i. ODDS Employment Services
 - ii. Impact of HCBS on ODDS Employment and Day Services
- d. ODDS leadership to support meetings with boards as needed or requested by providers.
- e. Day Service forums
 - 1. January 2016
 - 2. Early May 2016 – panel of day service providers
 - 3. Ongoing
- f. Online tools, webinars, and other resources available on ODDS provider & partner resources website.
- g. Training and Technical Assistance from Employment Regional Specialists and Support from Central Office.

IV. Requirements for HCBS Transformation Plans and HCBS Plans of Improvement

a. Required Elements for Employment Settings not in compliance or in substantial compliance.

- i. Employment settings that are not in compliance (including all sheltered workshop settings) must develop a plan to transform and come into full compliance. The elements outlined below must be addressed.
- ii. Employment settings that are in substantial compliance (employment path community or facility occurring at a provider site that is not sheltered work) must develop an HCBS Plan of Improvement to document how the provider will assure full compliance in the setting. A Plan may also be used to further a provider’s HCBS related goals. Required elements for the HCBS Plan of Improvement are outlined below.

Provider Name:	
Setting Description:	Provider Self-Assessment Response #:
Service Provided in this Setting:	
Setting Address:	
# of Individuals Supported in Setting:	
Do you intend to bring this setting into compliance? By what date?	
How do you intend to ensure individuals using HCBS services have opportunities to seek employment and work in competitive integrated settings on the same basis as people not using HCBS services?	
How is your organization’s strategic plan aligned/not aligned with HCBS requirements?	
How are any of your organization’s other strategic planning documents (business plan, financial plan, communication plan, etc.) aligned/not aligned with HCBS requirements?	
If the setting is designed to hire people who have disabilities:	
A. How do you intend to ensure individuals using HCBS services at your site have opportunities to gain experience working with the general public?	
B. How do you intend to ensure individuals are not congregated / isolated with other people who have disabilities?	
How do you intend to ensure individuals using HCBS services have opportunities to gain experience working with customers, co-workers, and others who do not have disabilities or use HCBS services?	

How do services in this setting support individuals to achieve goals related to exploring or obtaining competitive integrated employment?
How are these services individualized?
How do you ensure everyone using services in this setting plan has an individualized action plan or provider implementation strategies that include outcomes related to obtaining competitive integrated employment?
How do you measure progress towards the goal of obtaining competitive integrated employment?
How are these services time limited?
Do you intend to reduce or exit anyone from services? What are your plans regarding this? (Including notice and communication to anyone using services).
If individuals are earning subminimum wages under the FLSA's special exception for people who have disabilities (ie a 14(c) certificate) or are subject to other special wage/benefit exceptions for people with disabilities, or training facilities for people with disabilities, then how does the service support individuals to obtain a job in which he or she can earn the same wages and benefits paid to people who do not have a disability and are doing the same type of work?

b. Elements to CONSIDER:

What employment and day services do you intend to offer?
Do you have a financial business plan that includes supporting individuals in competitive integrated employment (ie at general businesses in the community and away from the provider site)?
What are your target numbers for the following (include timeframe/milestones; i.e. 2016, 2017, 2018, etc.). Do you have a business plan that forecasts target numbers regarding the number of people supported in each of these service categories? And anticipated revenue or service reimbursement? <ol style="list-style-type: none"> 1. Job Coaching in Competitive Integrated Employment (please specify target number by year): 2. Job Development (please specify target number by year): 3. Discovery (please specify target number by year): 4. Employment Path Community (please specify target number by year): 5. Small Group 6. Employment Path Facility (please specify target number by year): 7. Employment Path Facility (sheltered work):
Will your organization provide transportation for individuals using services to get to/from work at general businesses in the community? If so: <ol style="list-style-type: none"> A. How do you intend to maintain the vehicle fleet to support this? B. How do you intend to maintain the staffing to support this? C. What are your plans for developing other transportation options?
What is your plan for obtaining board or leadership approval?
What is your plan for communicating changes to individuals using services and their families?
How many job developers do you have on staff?
How many job developers do you project to have on staff within the next 2 years?
How many employment professionals who provide discovery do you have on staff?
How many do you project to have on staff within the next 2 years?
Do you intend to repurpose your facility? <ul style="list-style-type: none"> • If so, how do you intend to repurpose your facility? • If so, under what timeline?
Do you intend to sell or otherwise transfer any provider businesses or facilities? If so, under what timeframe?

What employment services do you intend to offer at your provider site (or in a congregate setting) after September 2018?
Please provide any other information or details regarding how you intend to bring this setting into compliance.
Please indicate any extended support that may be needed from the state or local partners:

2. Non-residential day service settings

a. REQUIRED Elements for Provider Plan of Improvement (for settings in substantial compliance but not full compliance).

Providers delivering day services at a provider site service settings must develop an HCBS Plan of Improvement to document how the provider will assure full compliance in the setting.

Provider Name:	
Setting Description:	Provider Self-Assessment Response #:
Service Provided in this Setting:	
Setting Address:	
Name of provider:	
Description of setting:	
Number of individuals supported in setting:	
Do you intend to come into compliance?	
How does the setting facilitate going out into the broader community?	
How do you intend to ensure individuals using HCBS services have opportunities to seek employment and work in competitive integrated settings on the same basis as people not using HCBS services?	
How is your organization's strategic plan aligned/not aligned with HCBS requirements?	
What is your plan to integrate individuals into the broader community? How do you ensure support for individualized schedules and activities in the broader community? Reverse integration and/or group field trips/activities is insufficient.	
How do you ensure everyone using services in this setting plan has an individualized action plan or provider implementation strategies that include outcomes related to obtaining competitive integrated employment?	
How does your organization address individual requests for activities in the community?	
How are any of your organization's other strategic planning documents (business plan, financial plan, communication plan, etc.) aligned/not aligned with HCBS requirements?	
How often are options presented to go out into the broader community for those individuals who rarely or never leave the provider site?	
How are individuals involved in planning for or deciding on the places to go? Particularly those individuals who rarely or never leave the provider site during the course of the service?	
Please provide any other information or details regarding how you intend to bring this setting into compliance.	

b. Elements to CONSIDER:

What ratio of services do you intend to offer? (ie % job coaching, % employment path, target # job development placement/retention payments per year, target # discovery services per year, % DSA).
Do you have a viable financial business plan that includes supporting individuals in competitive integrated employment (ie at general businesses in the community and away from the provider site)?
What are your agency-wide target numbers for the following: <ul style="list-style-type: none">• Average time in community (include miles stones)• Average time at facility
What are your target numbers for individuals who go out the least: <ul style="list-style-type: none">• Average time in community (include miles stones)• Average time at facility
Will your organization provide transportation for individuals using services to get to/from work at general businesses in the community? <ul style="list-style-type: none">• How do you intend to maintain the vehicle fleet to support this?• How do you intend to maintain the staffing to support this?
What is your plan for obtaining board approval for any necessary changes?
What is your plan for communicating changes to individuals using services and their families?
Do you intend to sell or otherwise transfer any provider businesses or facilities?
Please provide any other information or details regarding how you intend to bring this setting into compliance.
Please indicate any extended support that may be needed from the state or local partners:

V. Timeline for Developing a Provider HCBS Transformation Plan or HCBS Plan of Improvement

April – December 2015	Initial Provider Self-Assessments and Individual Experience Assessments Completed
January 2016 – December 2016	Initial onsite reviews at provider sites for employment and non-residential day services
January 2016 – December 2016	<p>Notification to providers regarding areas of noncompliance and need for remediation or transformation.</p> <p>Sheltered Workshop Settings:</p> <ul style="list-style-type: none"> • Sheltered Workshop settings were visited during 2015. • Providers of sheltered workshop settings were notified in January 2016 that sheltered workshop settings are not compliant. Providers must develop an HCBS Transformation Plan to outline the steps provider will take to come into compliance. • Preliminary HCBS Transformation Plans pertaining to the sheltered workshop portion of a provider’s service settings are due to ODDS by September 30, 2016. *Note new date. Previously August 31, 2016. • Any HCBS Plans of Improvement pertaining to a provider’s non-sheltered settings are due under the timelines outlined below. <p>If a Provider’s last onsite for non-sheltered work settings occurred before June 15, 2016:</p> <ul style="list-style-type: none"> • Provider will be notified by July 1, 2016, regarding any areas of noncompliance with HCBS (for non-sheltered workshop settings). This notification will be through the enclosed “Provider HCBS Status Report” that identifies areas of noncompliance or areas where additional assurances are required to show how a provider will ensure continued compliance. This determination is based on the provider assessment, individual experience surveys, onsite reviews, and any other information available. • Provider settings that are in substantial compliance, but that require changes to come into full compliance, have until September 30, 2016, to develop and submit to ODDS a preliminary Provider HCBS Plan of Improvement to address areas of noncompliance and any changes that may be

	<p>necessary to be fully compliant. An HCBS Plan of Improvement may also be used to further a provider’s HCBS related goals.</p> <p>Last onsite for non-sheltered work settings occurred on or after June 15, 2016:</p> <ul style="list-style-type: none"> • Providers will be notified within 30 days of the provider’s last onsite review. • These providers will have 90 days from notification to develop and submit to ODDS a preliminary HCBS Plan of Improvement.
September 2016 – February 2017	Review and Approval of Provider HCBS Transformation Plans (Sheltered Workshop providers) and HCBS Plans of Improvement (for providers in substantial compliance or areas where additional assurances are required to show how a provider will ensure continued compliance).
September 30, 2018	Providers must be in full compliance with HCBS setting requirements as outlined in Oregon’s Statewide HCBS Transition Plan.
October 2018	Notices to individuals whose sites are not in full compliance
March 1, 2019	Full compliance required under federal regulation.

VI. Comparison of HCBS and Employment First (Phase 2) Transformation.

	EF Transformation Phase 2 (Transform Provider-based Employment and/or Day Services)	HCBS Transformation
Service Options Available	<ul style="list-style-type: none"> • Job Coaching • Job Development • Discovery • Small Group • Employment Path Community • DSA Community only • DSA Facility in combination with DSA Community 	<ul style="list-style-type: none"> • Job Coaching • Job Development • Discovery • Small Group • Employment Path Community • DSA Community only • DSA Community in combination with DSA Facility
Service Options Not Available	<ul style="list-style-type: none"> • Employment Path Facility • DSA Facility only (i.e. without combination with DSA Community). 	<ul style="list-style-type: none"> • Employment Path Facility • DSA Facility only (i.e. without combination with DSA Community).
Minimum Requirements for Provider Settings	<ul style="list-style-type: none"> • Training and TA to transform into an organization that provides supported employment in the broader community. • All settings must also meet requirements for HCBS. 	<p>Employment & Day Services</p> <ul style="list-style-type: none"> • All settings must support opportunities to seek employment and work in competitive integrated employment settings. <p>Employment Services</p> <ul style="list-style-type: none"> • Provider settings for Employment Services must facilitate interaction & opportunities to gain experience working with the general public. Settings that isolate individuals with disabilities are not permissible (ie sheltered workshop settings where people with disabilities have few or no opportunities to interact with people who do not have disabilities). Additionally, employment services must be individualized and include a plan to integrate individuals into the broader community. Reverse integration alone is insufficient.

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		<p>Day Services</p> <ul style="list-style-type: none"> • Provider settings for Day Services permissible. However these settings must facilitate going out into the broader community and support individualized schedules and activities in the broader community. Reverse integration alone is insufficient.
<p>Marginal Settings (CMS and ODDS cannot guarantee that these settings will always be HCBS)</p>	N/A	<p>Any employment services at a provider site.</p> <p>Day service settings that don't facilitate opportunities for individualized planning and inclusive participation in the broader community.</p>
<p>Timeframe</p>	<p>EF Transformation / TA support for 12 months (through 2017).</p> <p>Oregon's goals related to job placement and reduced reliance on sheltered workshop settings outlined through June 2022.</p>	<p>Compliance by Sept. 1, 2018.</p>